

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

SEA STAR LINE, INC.

Plaintiff

vs.

PUERTO RICO FOOD & PAPER, INC.

Defendant

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CIVIL NO. 98-2315 (PG)

COLLECTION OF FREIGHT

CLERK'S OFFICE
U.S. DISTRICT COURT
SAN JUAN, P.R.

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OPINION AND ORDER

Plaintiff, Sea Star Line, LLC, brought this action in admiralty against defendant, Puerto Rico Food & Paper, Inc. for collection of freight by ocean carrier. The Court has jurisdiction pursuant to 28 U.S.C. §§1331, 1333 and 1337 as an action arising under the Shipping and Intercoastal Shipping Acts, 46 U.S.C. §801 et. seq. Before the Court is plaintiff's Second Motion requesting that the Court enter summary judgment against defendants in the amount of \$2,222.00 plus legal interest, costs and reasonable attorney's fees. Defendants have not filed an opposition.

Rule 56(c) of the Rules of Civil Procedure provides that summary judgment "shall be rendered forthwith if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law." Rule 56(e)

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provides in turn that "[w]hen a motion to summary judgment is made and supported as provided by [Rule 56], an adverse party . . . must set forth specific facts showing that there is a genuine issue for trial. If the adverse party does not so respond, summary judgment, if appropriate, shall be entered against the adverse party." Fed. R. Civ. P. 56(e). See also Celotex Corp. v. Catrett, 477 U.S. 317, 322 (1986). In its motion plaintiff alleges that the case does not present any controversies of fact. Defendants have not opposed this allegation. The copies of the Bills of Lading evidence an unpaid balance of \$2,222.00.

WHEREFORE plaintiffs second motion for summary judgement is hereby GRANTED. Defendant is ordered to pay plaintiff \$2,222.00 plus legal interest, costs and reasonable attorney's fees.

IT IS SO ORDERED.

San Juan, Puerto Rico, *August 26,* , 1999.

Juan M. Perez-Gimenez
JUAN M. PEREZ-GIMENEZ
U.S. District Judge

JK: OB